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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,219	10/30/2000	Taichi Kobayashi	Q61467	6374
7590 08/19/2004 SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			EXAMINER GOFF II, JOHN L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/698,219

Applicant(s)

KOBAYASHI ET AL.

Examiner

John L. Goff

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-4 and 7-11.

Claim(s) withdrawn from consideration: 12-32.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

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Continuation of 2. NOTE:

The declaration will not be considered because good and sufficient reasons why it was not earlier presented have not been shown. It is noted the reference to Shimada et al. (U.S. Patent 5,662,972) was applied in the Non-Final Office Actions mailed 4/1/03 and 9/2/03 and in the Final Office Action mailed 3/5/04. Applicant did not submit the declaration until after the Final Office Action such that it is untimely (See MPEP 716.01).

The amendment will not be entered because the claims were amended to include new limitations that may present new matter.

The amendment will not be entered because the claims were amended to include new limitations that were not previously considered.

Regarding applicants request that the Examiner withdraw the 103 rejection over the admitted prior art, it is noted applicant is mischaracterizing a statement made by the Examiner in the Final Office Action. The following is from paragraph 12 of the Final Office Action:

-- Regarding claims 1, 2, 7, 8, and 11, applicant further argues "Applicants also submit that the admitted prior art fails to disclose, teach, or suggest a surface treatment of the fluorine resin with corona discharge in a nitrogen gas atmosphere with an oxygen gas of 4 to 150 ppm, or with corona discharge in air and subsequently thermally treated, followed by a lamination of a crosslinking elastic adhesive body. Further, the "admitted" prior art does not teach or suggest that the lamination having a satisfactory storage stability is achieved by the methods according to Applicants' claimed invention. Therefore, Applicants respectfully submit that the present invention is not obvious over the "admitted" prior art."

It is noted examiner has not suggested that the admitted prior art (alone) anticipates these limitations. - -

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Applicant argued that the admitted prior art fails to disclose, teach or suggest a surface treatment of the fluorine resin with corona discharge in a nitrogen gas atmosphere with an oxygen gas of 4 to 150 ppm, or with corona discharge in air and subsequently thermally treated. Claims 1, 2, 7, 8, and 11 do not require these limitations. Rather claims 1, 2, 7, 8, and 11 merely require subjecting a fluorine resin to a surface treatment, it being noted claim 8 suggests as an alternative to the surface treatment the above corona discharge treatments may be performed. A review of paragraph 5 of the Final Office Action and paragraph 5 of the Non-Final Action mailed 9/2/03 clearly shows the Examiner applied the admitted prior art to show subjecting a fluorine resin to a surface treatment. At no point was it suggested that the admitted prior art disclosed surface treatment of the fluorine resin with corona discharge in a nitrogen gas atmosphere with an oxygen gas of 4 to 150 ppm or with corona discharge in air and subsequently thermally treated such that the statement that the Examiner has not suggested that the admitted prior art (alone) anticipates these limitations is correct. Furthermore, applicant argued the admitted prior art does not teach or suggest that the laminating has a satisfactory storage stability as achieved by the methods according to Applicants' claimed invention. None of the claims require this limitation, and a review of paragraph 5 of the Final Office Action and paragraph 5 of the Non-Final Action mailed 9/2/03 clearly shows the Examiner did not suggest anything about the storage stability of the laminates such that again the statement that the Examiner has not suggested that the admitted prior art (alone) anticipates this limitation is correct. It is noted this issue was addressed in the interview of 6/7/04.

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Regarding applicants argument that in the present invention the inert gas atmosphere does not require functional group compounds, it is noted the claims are not commensurate in scope with this argument.



John L. Goff



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